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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6346 of 2007

PETITIONER Dr. Panchram Verma, S/o. Late Shri J.L. Verma, aged about 53 years, District, Ayurved Officer (In-charge), Raipur (C.G.)

Versus

RESPONDENTS

1. State of C.G., Through- Secretary, Department of Health & Family Welfare, (Mantralaya), D.K.S. Bhawan, Raipur (C.G.)
2. Director, Indian System of Medicine and Homeopathy, Raipur (C.G.)
3. Dr. (Smt.) Kusum Sharma, Ayurved Chikitsa Adhikari, Government Ayurved Pharmacy, Raigarh (C.G.).
4. Dr. Shyamlal Shakar, Government Ayurvedic Pharmacy, Tekarikunda, Block-Arang, District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Virendra Sharma, counsel for the petitioner.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

ORAL ORDER
(02.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of District Ayurved Officer (In-charge), Raipur, has been transferred and posted in the Government Ayurved Pharmacy, Raipur by order dated 6.10.2007 and respondent No.3 is being brought from Raigarh to Raipur on his post.

Learned counsel for the petitioner argues that the action of the Government is malafide because after writing a letter dated 18.5.2007 (Annexure-P/2) to the Chief Minister, the aforesaid transfer has been affected.

I have perused the contents of the writ petition as also the contents of the letter dated 18.5.2007. It is mentioned in the letter that the name of the petitioner finds place at serial No. 161 in gradation list and senior members are to be given the charge of District, which was a request made by the Union,

therefore, it was requested that the aforesaid decision of the Union should be followed.

Learned counsel for the petitioner submits that it is only after this letter, the transfer has been affected.

Though the letter contained like above but it cannot be inferred that by the said letter, the petitioner has been transferred from present place of posting and malafide can be gathered against the conduct of the State. Moreover, it is brought to the notice of this Court that incumbent i.e. respondent No.3 is senior to the petitioner, therefore, if a senior is brought there, in usual manner, then on this ground only it cannot be said that the order is an outcome of malafide. Moreover, the petitioner is not being transferred to some other place from Raipur, it is a local shifting.

The transfer is an exigency of service and nobody working on a transferable post can claim for his posting at a particular place. It is for the employer to see as to who should be posted at which place. Unless the order of transfer is shown to be vitiated by malafides or passed on extraneous considerations or it is issued against any statutory Rule or Act, it cannot be interfered by a Court of law, is the settled view of the Apex Court.

During the course of hearing, learned counsel for the petitioner could not make out a case either of arbitrariness or of malafide or of extraneous consideration or that the transfer order is passed in violation of any statutory Rules or the Act.

I am not inclined to admit this petition for hearing, the petition has no merit, the same is liable to be dismissed and it is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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